

8 OCT 2000



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

#3

Robert J. Smith
Myers, Bigel, Sibley & Sajovec
P.O. Box 37428
Raleigh, NC 27627

| | | |
|--|---|-----------------------|
| In re Application of | : | |
| SHAW, et al. | : | DECISION ON PETITION |
| Application No.: 09/600,837 | : | |
| PCT No.: PCT/GB99/00018 | : | |
| Int. Filing Date: 05 January 1999 | : | UNDER 37 CFR 1.137(b) |
| Priority Date: 06 January 1998 | : | |
| Attorney Docket No.: 9052-61 | : | |
| For: METHOD OF FORMING INTERCONNECTIONS: | : | |
| BETWEEN CHANNELS AND CHAMBERS | : | |

This is a decision on applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the Patent and Trademark Office (PTO) on 21 July 2000. The required petition fee of \$1210.00 (37 CFR 1.17(m)) has been included.

BACKGROUND

On 05 January 1999, applicant filed international application PCT/GB99/00018, which claimed priority of an earlier British application filed 06 January 1998. A Demand for preliminary examination, in which the United States was elected, was filed on 26 July 1999, prior to the expiration of nineteen months from the earliest claimed priority date. Accordingly, payment of the basic national fee was due 06 July 2000.

On 06 July 2000, the application became abandoned for failure to pay the basic national fee for a U.S. national stage entry application.

On 21 July 2000, applicant filed the present petition along with a TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371. An oath or declaration of the inventors as required under 35 U.S.C. 371(c)(4) was not included.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the

petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to Item (1), the required reply is the payment of the Basic National Fee under 37 CFR 1.492(a) and filing of the U.S. national stage entry application. Applicant has included this payment along with Form PTO 1390 and specification including claims.

As to Item (2) the appropriate petition fee of \$1210.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), applicant's statement that, "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional due to an inadvertent delay in transmittal of the required documentation of four (4) business days." and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

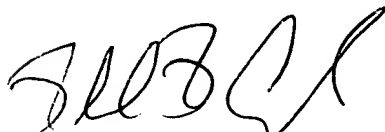
As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.


A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

For the reasons above, the petition for revival is GRANTED.

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905).


Richard Cole
Legal Examiner
PCT Legal Office


Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459